

April 28, 1966

MEMORANDUM

TO: Boston Redevelopment Authority
FROM: Edward J. Logue, Development Administrator
SUBJECT: ZONING REFERRALS

I. ZONING COMMISSION - TEXT CHANGE

Re: Text Amendment Application No. 4
Mrs. Margaret C. Lund
41 Chestnut Street, Boston

Petitioner seeks to forbid use of any land in the H-2-65 zone (Beacon Hill) for any of the four types of dormitories, Use Item 11, 12, 13 and 13A or or for a fraternity or sorority house, Use Item 14. Except for fraternities, this is a much more severe limitation than prevails in the Back Bay, wherein all dormitories are designated as conditional uses and which may be allowed after a hearing before the Board of Appeal. Dormitories run by Universities, such as B. U., Northeastern and Suffolk are tax exempt. Also, dormitories owned and operated by such non-profit schools as Emerson, Garland, Chamberlain, etc., are tax exempt. Dormitories owned and operated for a profit are taxable. Since it is the policy of the Authority to oppose the further establishment of non-taxable schools and dormitories in the Back Bay, it would seem likely that this policy would be extended to Beacon Hill. Recommend approval.

VOTED: That in connection with Text Amendment Application No. 4 by Margaret C. Lund, 41 Chestnut Street, Boston, to change dormitory Use Items 11, 12, 13 and 13A and fraternity Use Item No. 14 in Section 8-7 of the Boston Zoning Code so as to make dormitories, fraternities and sororities forbidden uses instead of conditional uses in the H-2-65 zoning district (Beacon Hill), the Boston Redevelopment Authority recommends the granting of the petition because it is of the opinion that no time should be lost in preventing the spread of dormitories to Beacon Hill since it could endanger the tax base, not only because of probable tax exemptions but also because of lowering the character of Beacon Hill, as has happened in the Back Bay.

II. BOARD OF APPEAL REFERRALS

Re: Petition No. Z-475
Jamaica Plain Lutheran Church
100 Rockview St., Jamaica Plain

Variances for lot area per additional dwelling unit less than required, front and side yards less than required and off-street parking less than required are sought to erect a one-story addition in a residential (R-.8) zone. The Transportation Department cannot approve unless evidence can be submitted that the parking shortage will not be aggravated. The proposed addition is 555 square feet and if calculated on this alone, only two additional parking spaces would be required. There will be no additional disquietude to the neighborhood due to parking caused by the extension. However, the serious matter is that of building to within two feet of the side lot line and thus leaving only four feet between side of house or other lot, both buildings being wood frame. Recommend objection only to lack of provision of minimum side yard of six feet.

VOTED: That in connection with Petition No. Z-475 brought by Jamaica Plain Lutheran Church, 100 Rockview St., Jamaica Plain, for variances of lot area per additional dwelling unit less than required, front and side yards less than required and off-street parking less than required, to erect a one-story wooden addition in a residential zone, the Boston Redevelopment Authority objects only to the lack of provision of a side yard of at least six feet so as to allow an eight foot distance from house on adjacent lot and thus provide it with a minimum of light, air and space.

Re: Petition No. Z-476
Bernice T. Smith
105 Walnut Ave., Roxbury

A variance for lot area per additional dwelling unit less than required is sought to legalize occupancy from two-family to three-family dwelling in a residential (R-.8) district. The Washington Park staff is opposed. Secondary egress and a bathroom are not provided for a third apartment which would seem to refute claim that this has been a three-family dwelling since 1947.

VOTED: That in connection with Petition No. Z-476 brought by Bernice T. Smith, 105 Walnut Ave., Roxbury for variance to legalize occupancy from two to three families in a residential district, the Boston Redevelopment Authority opposes the granting of the petition. The proposed use does not conform to the Washington Park Urban Renewal Plan and it appears that this building could not have been legally used for three families, since secondary egress and bathroom are not provided for this apartment. Also, this lot of 3800 sq. ft. is substandard for two families, let alone three.

Re: Petition No. Z-477
428 Realty Corp.
110 Ruggles St., Roxbury

A conditional use permit is sought to change occupancy from auto service station to a gas station, two-car lubritorium and two car wash in a local business (L-2) district. The Roxbury-North Dorchester G.N.R.P. staff reports that the premises are located in an area designated for the Campus High School (English High). Land acquisition and clearance will occur probably within one year. Recommend the variance be denied.

VOTED: That in connection with Petition No. Z-477 brought by 428 Realty Corp., 110 Ruggles St., Roxbury, for a conditional use permit to change occupancy from auto service station to a gas station, two-car lubritorium and two car wash in a local business district, the Boston Redevelopment Authority opposes the granting of the variance only because the premises are located in an area designated for the Campus High School (English High). It is expected that land acquisition and clearance will occur probably within one year.

Re: Petition No. Z-478
Joseph S. DeLuca
9-11 Charles St., Boston

A forbidden use and four variances are sought to erect a one-story addition to a retail grocery store in an apartment (H-2-65) and local business (L-2) district. The variances would only add to the existing excessive floor area ratio and deficient usable open space per unit. No rear yard exists and none provided. The Transportation Department is opposed because of aggravation of parking problem. Recommend the variance be denied.

VOTED: That in connection with Petition No. Z-478 brought by Joseph S. DeLuca, 9-11 Charles Street, Boston, for a forbidden use and four variances to erect a one-story addition to a retail grocery store in an apartment (H-2-65) and local business (L-2) district, the Boston Redevelopment Authority opposes the granting of the petition. The variances would only add to the existing violation of the zoning code, tend to destroy its purpose, and aggravate the existing parking shortage.

Re: Petition No. Z-479
Jenney Manufacturing Co.
3 Washington St., Brighton

A conditional use permit and variance for rear yard less than required are sought to erect a two-bay service station with registry inspection bay, in a local business (L-1) district. The new building will replace the existing station and provide modern facilities. The property will be improved and will add to the general appearance of the neighborhood.

VOTED: That in connection with Petition No. Z-479 brought by Jenney Manufacturing Co., 3 Washington St., Brighton for a conditional use permit and variance of rear yard less than required, to demolish an existing station and to erect a two-bay service station with registry inspection bay in a local business district, the Boston Redevelopment Authority does not oppose the granting of the variance. The new station will provide modern facilities and be an improvement to the neighborhood in general.

Re: Petition No. Z-480
Kenneth C. & Agnes Ball
582,584, 586 Hyde Park Ave., Hyde Pk.

Eight variances and a forbidden use are sought to erect a two-story retail stores and office building in a residential (R-.5) district. The variances - lot size, lot area per additional dwelling, front, side and rear yards, off-street parking, less than required, floor area ratio excessive, traffic visibility across corner less than required, constitute a flagrant attempt to violate the intent and purposes of the zoning code by crowding the land. The petitioner has submitted no evidence of any kind to justify the request for the variances and disapproval is recommended.

VOTED: That in connection with Petition No. Z-480 brought by Kenneth C. and Agnes Ball, 582, 584, 586 Hyde Park Ave., Hyde Park for nine variances including a forbidden use to erect a two-story retail stores and office building on a substandard lot of 3700 sq. ft., in a residential district, the Boston Redevelopment Authority opposes the granting of the petition. The variances constitute a flagrant violation of the intent and purposes of the zoning code. No evidence of hardship or otherwise has been submitted to justify the variances and there is no record in the building department showing this lot as subdivided from contiguous house lot on Hadwin Way.

Re: Petition No. Z-481
Toby C. Waldman & Thomas C. Carver
Mattapan Hamburgers, Inc. (Lessee)
1305 Blue Hill Ave., Dorchester

Appellants seek a variance from a complaint issued by the Building Commissioner, "Food and beverages sold are not being consumed primarily in an enclosed structure" in a General Business (B-1) district. The stand is situated at the intersection of Wellington Hill and Ormond Streets and Blue Hill Avenue. The zoning staff is of the opinion that this use is a drive-in restaurant use (Item No. 50) and as such is conditional in a business district. Recommend use not be granted.

VOTED: That in connection with Petition No. Z-481 brought by Toby C. Waldman and Thomas C. Carver (owners) and Mattapan Hamburgers, Inc. (lessee) seeking a variance from a complaint issued by the Building Commissioner that

"food and beverages sold are not being consumed primarily in an enclosed structure" in a general business district, the Boston Redevelopment Authority is of the opinion that this use is a drive-in restaurant use (Use Item No. 50) and as such is a conditional use and in any event recommends use not be granted since location is at a three-point intersection at heavily travelled Blue Hill Avenue further creating traffic and parking congestion at this point.

Re: Petition No. Z-482
Andrew J. Flynn
39 Eliot St., Jamaica Plain

A forbidden use and two variances, lot area per additional dwelling unit and side yard less than required are sought to erect a two-story, four family dwelling in a single family (S-.3) district. With a lot area of 13,000 sq. ft., an appeal to allow two single family homes could be justified but not a four-family dwelling. There are some two-family houses in the area which was zoned as a two-family district previous to the new code and immediate area in vicinity of Eliot and Newsome Place might well be rezoned to two-family family but not multi-family. If change is to take place it should be through rezoning and not by variances. Recommend disapproval.

VOTED: That in connection with Petition No. Z-482 brought by Andrew J. Flynn, 39 Eliot St., Jamaica Plain, for a forbidden use and two variances, lot area per additional dwelling unit and side yard less than required, to erect a two-story, four family dwelling in a single family district, the Boston Redevelopment Authority opposes the granting of the petition. Though due to previous zoning there are some two-family houses in the area, it cannot be regarded as a multi-family district and a four-family dwelling would be a serious encroachment in the neighborhood. If there is to be a change in development in the area it should be through a well considered zone change.

Re: Petition No. Z-483
Faulkner Hospital
30 Whitcomb Ave., Jamaica Plain

Extension of a non-conforming use and four variances, maximum floor area ratio and maximum height of building exceeded, lot area per additional dwelling unit and off-street parking less than required are sought to add a third story to existing graduate nurses' residence in a single family (S-.3) district. The addition will provide ten rooms. Approximately two-thirds of the area per additional unit will be provided. The maximum height and floor area ratio variances are minimal. Thirty of 44 required parking spaces will be provided and it is the experience of the hospital that there are more than the practical number that will ever be used. The practical solution in this case would have been a zone change to H-1 for both the hospital and the nurses' lot, so that not only would the uses be conforming but none of these variances would have been required, including off-street parking.

VOTED: That in connection with Petition No. Z-483 brought by the Faulkner Hospital, 30 Whitcomb Avenue, Jamaica Plain, for extension of a non-conforming use and four variances to erect an additional unit to the graduate nurses' residence in a single family district, the Boston Redevelopment Authority does not oppose the granting of the petition. The variances are minimal and the addition will provide needed rooms for ten nurses. The practical solution in this case would have been a zone change to H-1 for both the hospital and the nurses' lot, so that not only would the uses be conforming but none of the variances would have been required, including off-street parking.

Re: Petition No. Z-484
Bernard Kelly & Son, Inc.
8 Church St., Dorchester

Extension of a non-conforming use and variances for maximum floor area ratio exceeded and off-street parking insufficient are sought to change occupancy from funeral home to funeral home and apartment for caretaker by erecting two one-story additions in a local business (L-.5) district. It appears that the petitioner has not considered vehicular access and maneuverability which would seriously affect the congested traffic at this busy intersection. The appellant added a 40' x 16' extension only four years ago and was denied an extension by the Board of Appeal last October. Recommend the variance be denied.

VOTED: That in connection with Petition No. Z-484 brought by Bernard Kelly & Son, Inc., 8 Church Street, Dorchester, for extension of a non-conforming use and variances for maximum floor area ratio exceeded and off-street parking insufficient, sought to change occupancy from funeral home to funeral home and apartment for caretaker by erecting two one-story additions in a local business district, the Boston Redevelopment Authority opposes the granting of the petition because the petitioner cannot provide the required parking and there appears to be no substantial change in the petition since it was refused last October. The partial parking shown on plot plan is incorrect dimensionally and otherwise.

Re: Petition No. Z-485
Maurice Krasner
1640-1644 Blue Hill Ave., Mattapan

A variance for off-street parking not supplied is sought to remodel and add one story for retail store in a general business (B-1) district. A tenant is relocating from four doors away. Two public off-street parking facilities are located just around the corner on River Street, approximately 80 and 110 feet from the premises. Recommend the variance be granted.

VOTED: That in connection with Petition No. Z-485 brought by Maurice Krasner, 1640-1644 Blue Hill Ave., Mattapan, for variance of off-street parking not supplied to remodel and add one story for retail store in a general business (B-1) district, the Boston Redevelopment Authority is not opposed to the granting of the petition. Since it is important to provide parking on the site and there are two parking facilities, one public, within 150 feet of the location.

Extension of a non-conforming use to enlarge an existing repair shop garage in a local business (L-1) and a residential (R-8) zone. Part of the existing building will be demolished. The new structure will comply with all the requirements of the zoning code. The lot will be hot topped and fenced. Recccmmend approval.

VOTED: That in connection with Petition No. Z-486, brought by Alexander Celeste, 168-194 Norwell Street, Dorchester, for an extension of a non-conforming use to enlarge a repair shop garage in a local business and residential zone, the Boston Redevelopment Authority does not object to the granting of the petition since the building as outlined on the plan will be within 130 feet of Harvard Street and therefore in an L-1 zone. Since there are to be no windows on the rear wall it is felt that a repair garage will not be objectionable in this area and that the conditional use permit required should be granted.

